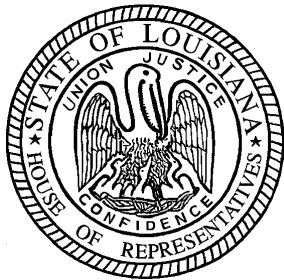


QUICK GUIDE
TO
FLOOR PROCEDURE
IN THE
LOUISIANA HOUSE OF REPRESENTATIVES



November, 2003

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Dedicated To

The leaders, members, and staff of the Louisiana House of Representatives, past, present, and future, who dedicate themselves to improving and strengthening the legislative institution.

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INTRODUCTION

Procedure on the floor of the Louisiana House of Representatives includes many traditions, practices, and motions that are repeated time after time. During a session, the dialogue that occurs between the presiding officer and a member who is recognized by the presiding officer follows these customary practices and the House Rules.

This *Quick Guide to Floor Procedure in the Louisiana House of Representatives* is intended as a ready reference to floor procedure, including the actual usual and customary language employed by the presiding officer and members in some of the most common floor procedures in the House. Rules are cited for convenience in referring to the relevant provisions.

The *Quick Guide* is arranged so as first to provide examples of motions most often used and the procedures relating to them. These are organized into three main categories: Recognition of Members; Interrupting a Member Who Has the Floor; and Frequently Used Motions. The Frequently Used Motions are arranged generally according to when they may be used, that is, those relating to any order of business, followed by those used primarily on second reading, then those affecting the order of business, those used in debate, and those relating to voting.

Next, the *Quick Guide* provides examples of the procedures and the actual language used by the presiding officer and the members during particular orders of business. These are organized into two main groups: Morning Hour and Regular Order. Finally, the *Quick Guide* covers motions and procedures concerning the Committee of the Whole.

RECOGNITION OF MEMBERS

See House Rules 5.4 through 5.6.

In the Louisiana House of Representatives, a member cannot speak without being recognized by the Speaker of the House or the member who is serving in the place of the Speaker as the presiding officer. In order to obtain recognition, the member presses his “floor” or “question” button at his desk to indicate whether he wishes to speak on the motion or matter before the House, or to ask a question. The presiding officer recognizes the members whose names are registered at his desk in this manner. (The presiding officer may differentiate between those who want to debate the main motion or a subsidiary motion, if a subsidiary motion is before the House.)

If a member is recognized for the floor, he proceeds immediately to the podium at the front of the House from which members address the House, referred to as the “well” of the House. If the member is recognized for a question, his microphone will be turned on by the House Clerk’s assistant seated immediately to the Speaker’s left and the member will rise at his seat to address his question to the member who has the floor in debate.

If the voting machine is out of order, a member who wishes to be recognized rises from his seat and addresses the presiding officer as “Mr. Speaker”, and indicates whether he seeks the floor or wishes to ask a question.

Recognition of Members for Floor or Question

The usual procedure is:

If member presses “floor” button:

Speaker: “Representative X is recognized for the floor.”

Member: “Mr. Speaker, ladies and gentlemen of the House, ……” *[Member addresses the Speaker and the House and speaks on the motion or matter before the House.]*

Recognition of Members

If member presses “question” button:

Speaker: “Representative X is recognized for a question.”

Member: “Representative Y,” *[Member proceeds to ask a question of the member who has the floor.]*

Also see “*Point of Order*” and “*Point of Information*”. (See pages 11 and 12.)

Point of Personal Privilege

Used by members to comment on matters affecting their rights, reputation, or conduct in their representative capacity. Often used to recognize visitors. Not to be used to explain recusal from voting. House Rule 10.1 requires that explanation of recusal from voting shall be made in writing only and included in the *Journal*, if requested (must be given to the Clerk on the same legislative day). House Rule 5.1 requires House members to confine themselves to decorous language in addressing the House.

The usual procedure is:

Member: “Mr. Speaker, point of personal privilege.”

Speaker: “State your point.”

Member: *(Example)* “For the record, I would like to apologize to my colleague for a statement I made on the floor in debate....” *(The member referred to may request recognition to respond.)*

INTERRUPTING MEMBER WHO HAS THE FLOOR

A member may seek recognition or interrupt the member who has the floor by rising and addressing the Speaker. The Speaker determines who may speak first. The Speaker may inquire for what purpose the member rises in order to determine the precedence of the motions. The member who has the floor may be interrupted for the following purposes:

Point of Order

See House Rule 5.6

A point of order may be raised at any time by any member and requires an immediate ruling by the Chair. It is not a motion and is not debatable. The floor must be yielded.

A point of order is used to call the chair's attention to a breach of order or of the rules. It is a device used to require the body to observe its rules and to follow established parliamentary procedure. *(See Mason's Manual §§240-246.)*

The usual procedure is:

Speaker: "Representative _____, why do you rise?"

Member: "Point of order, Mr. Speaker."

Speaker: "State your point."

Member: *(Example)* "The amendment is not germane to the bill."

(Speaker then rules on the point of order and may state the reason for his decision.)

Speaker: "The amendment is not germane *(explains why)* and is out of order."

Appealing the Ruling of the Chair

See House Rule 9.12

Any member may appeal the ruling of the Chair on a point of order, or any ruling of the Chair. Appeals are generally debatable questions. (*See House Rule 9.14(A)*)

The usual procedure is:

Member: “Mr. Speaker, I appeal the ruling of the Chair.”

Speaker: “Representative _____ has appealed the ruling of the Chair. All those in favor of sustaining the Chair will vote yea, those opposed, nay. The Clerk will open the machine. Are you through voting? The Clerk will close the machine. ____ yeas, ____ nays, and the Chair is sustained.”

Note: The vote on an appeal is always stated affirmatively to sustain the ruling of the Chair.

Point of Information

See House Rule 5.6

When a member desires information about the procedures or business before the House which requires immediate attention, he may raise a point of information. It is not a motion, but only a request for information, so it is not debatable or amendable. It does not result in a ruling of the Chair.

The usual procedure is:

Speaker: “Representative _____, why do you rise?”

Member: “Point of information, Mr. Speaker.”

Speaker: “State your point.”

Interrupting Member on the Floor – *Point of Information*

Member: *(Examples)* “Mr. Speaker, what time do we plan to adjourn?”

or

“Mr. Speaker, are any amendments pending at the desk?”

or

“Mr. Speaker, how many members have requested to speak on this matter?”

Speaker: *(Provides the requested information.)*

FREQUENTLY USED MOTIONS

Motions that May Be Offered in Any Order of Business

Substitute Motion

See House Rule 9.4

Any motion offered in place of or instead of a motion previously made and not disposed of. Not more than one substitute motion is in order at any time.

The usual procedure is:

Member: *(After a member has made a motion and before action is taken on that motion.)* “Mr. Speaker, I would like to offer a substitute motion. I move _____. ” *(Member states substitute motion.)*

Speaker: “Representative _____ has moved _____. ” *(Speaker states main motion.)*
“Representative _____ has offered a substitute motion. _____. ” *(Speaker states substitute motion.)* “To which substitute motion there is objection.” *(If there is objection.)* “The vote will occur on the substitute motion. All those in favor of the motion _____ *(Speaker repeats substitute motion)* will vote yea, those opposed will vote nay. The Clerk will open the machine. Are you through voting? Clerk will close the machine. _____ yeas, _____ nays, and the _____ *(Speaker restates motion)* is adopted.”

or

“_____ yeas, _____ nays, and the motion has failed to pass. The vote will now occur on the original motion _____. ” *(Speaker states original motion)* All those in favor will

vote yea, those opposed, nay. The Clerk will open the machine.”

Recess

See House Rules 9.5, 9.7, 9.14(A)(23)

The usual procedure is:

Member: “Mr. Speaker, I move that we recess until 6 p.m.”

or

“Mr. Speaker, I move that we take a ten-minute recess.”

Speaker: “Representative _____ has moved that the House recess for ten minutes. Without objection, so ordered.”

Adjourn

See House Rules 9.5 through 9.7 and 9.14(A)(1)

The usual procedure is:

Member: “Mr. Speaker, I move that the House adjourn until _____ o’clock.”

Speaker: “Representative _____ has offered a motion that the House adjourn until _____ o’clock. Without objection, so ordered.”

or

“There is objection. Those in favor, vote yea, those opposed, nay. The Clerk will open the machine.”

Suspend the Rules

See House Rule 13.2

A motion to suspend the rules must specify the purpose of the suspension.

The usual procedure is:

Member: “Mr. Speaker, I ask that the rules be suspended for the purpose of _____ (*states purpose*).”

Speaker: “Representative _____ has asked for a suspension of the rules for the purpose of _____. Is there objection? Hearing none, the rules are suspended.”

(If there is an objection, the motion must be put to a vote. Approval of the motion requires the favorable vote of two-thirds of the members present and voting. See examples on pages 40 - 43.)

Motions Usually on Second Reading

Direct a Committee to Report

See House Rule 6.13

When a legislative instrument is referred to a committee it cannot be acted upon by the House until reported by the committee, unless the committee is discharged from considering it. The House may direct a committee to report an instrument and the committee must follow such directive. This can be done by motion or resolution.

The usual procedure is:

A motion to direct a committee to report requires the approval of a majority of the elected membership for adoption. (A minimum of 53 votes.)

The motion may not direct the manner of report, only that the instrument be reported and the date by which the report shall be made.

Member: “Mr. Speaker, I move that the Committee on _____ (*name of committee*) be directed to report _____ (*instrument*) on or before _____.”

Speaker: “Representative _____ moves that the Committee on _____ be directed to report _____. Those in favor, vote yea, those opposed, nay. The Clerk will open the machine.”

Discharge a Committee

See Const. Art. III, §315(D) and House Rule 6.13

A majority of the elected members of the House may, by motion or resolution, recall a legislative instrument from a committee and discharge the committee from further consideration. When this is done the instrument must be recommitted to another committee or heard in the Committee of the Whole. The motion is usually used to correct errors in the referral process; with agreement of discharged committee chairman, usually is adopted without opposition and handled as a perfunctory matter.

The usual procedure is:

Member: “Mr. Speaker, I move that the Committee on _____ (*name of committee*) be discharged from further consideration of _____ (*instrument*), and that the _____ (*bill or resolution*) be referred to the Committee on _____.”

or

“Mr. Speaker, I move that the Committee on _____ (*name of committee*) be discharged

from further consideration of _____ (*instrument*), and that the _____ (*bill or resolution*) be heard in the Committee of the Whole.”

Speaker: “Representative _____ has offered a motion that the Committee on _____ (*name of committee*) be discharged from further consideration of _____ (*instrument*), and that the _____ (*bill or resolution*) be referred to the Committee on _____.”

or

.... that the Committee on _____ (*name of committee*) be discharged from further consideration of _____ (*instrument*), and that the _____ (*bill or resolution*) be heard in the Committee of the Whole. Those in favor vote yea, those opposed, nay. The Clerk will open the machine.”

Override a Committee

See House Rule 6.11(D)

The term “override the committee” is an informal way of referring to a motion, made when an instrument is reported by committee, that is counter to the recommendation of the committee. Examples of motions to “override the committee” when a bill has been reported unfavorably include a motion to engross and pass to third reading (if a House bill) or to refer to the Legislative Bureau (if a Senate bill). Such motions would “override the committee” since they would advance the bill as if it had been reported favorably. Adoption of either of these motions requires the favorable vote of a majority of the elected members of the House.

Another motion intended to prevent or postpone “killing” the bill would be to recommit the bill to another committee (or rarely to the same committee). If a bill is reported favorably or with amendments, a motion to withdraw a House bill from the

files of the House or to indefinitely postpone a Senate bill would, in effect, “override” the committee report. A motion to recommit a bill reported favorably or with amendments would also delay the ordinary advance of such a bill. House Rule 6.11(D) specifies that adoption of any motion, the effect of which is to reject the recommendation of a committee report, except a motion to recommit, postpone indefinitely, or withdraw an instrument from the files of the House, requires a favorable vote of a majority of the elected members of the House of Representatives.

The usual procedure is:

Member: *(Example)* “Mr. Speaker, I move that _____
 (instrument), just reported by the Committee on
 _____ *(committee name)*, be engrossed
 and passed to third reading.”

Speaker: “Representative _____ has offered a motion
 that _____ *(instrument)*, just reported by
 the _____ *(committee name)*, be en-
 grossed and passed to third reading. Is there
 objection? There is objection. Those in favor
 vote yea, those opposed, nay. The Clerk will
 open the machine.”

Recommit

See House Rules 6.11(A)(1)(d), 6.8, 6.13, and 6.5

The motion to recommit an instrument to another committee can be made when the report is read or in the appropriate order of business for action on instruments reported by committees (Morning Hours 14 through 18).

The usual procedure is:

Member: “Mr. Speaker, I move that _____ (*instrument*), just reported by the Committee on _____ (*committee name*), be recommitted to the Committee on _____ (*name of committee*).”

Speaker: “Representative _____ has offered a motion that _____ (*instrument*) be recommitted to the Committee on _____ (*name of committee*). Those in favor vote yea, those opposed, nay. The Clerk will open the machine.”

Withdraw from the Files of the House

See House Rule 6.11(D)

If the motion is made when the committee report is read, a rules suspension would be required. The motion is more often made during Morning Hours 14 through 16.

The usual procedure is:

Speaker: “Representative _____ (*Committee Chair*) moves that House Bill No. ____ be withdrawn from the files of the House. Without objection, so ordered.”

Declare a Senate Bill a Duplicate Bill

See House Rules 7.19 through 7.21 and Joint Rule No. 5

The member designated to handle a Senate bill may move that the bill be designated as a duplicate of a House bill. Prior to the motion, the presiding officer must request the Clerk to advise him as to whether the bill qualifies as a duplicate and inform the membership. When the motion to designate a bill a duplicate is made, the presiding officer must ask for objections and if a member objects, he must inquire if 20 other members will join the objecting member.

If 21 members object, the instrument is referred to committee. If 21 members do not object, the Senate bill is so designated, conformed if necessary, and referred to the Legislative Bureau if the companion bill is reported by committee. A “duplicate bill” is a bill filed in one house which has been designated identical or substantially similar to a bill filed in the other house, a bill which has been determined to be identical or substantially similar to a bill in the receiving house, or a bill which has been conformed by amendments adopted by the receiving house to make the bill identical to a bill introduced in the receiving house and reported by a committee of that house. Bills may be deemed duplicates notwithstanding differences created by the adoption of amendments in committee or on the floor of the house of introduction, or technical differences.

The usual procedure is:

Member: “Mr. Speaker, I move that Senate Bill No. ____ be declared a duplicate of House Bill No. ____.”

Speaker: “Mr. Clerk, does Senate Bill No. ____ qualify as a duplicate of House Bill No. ____?”

Clerk: “Mr. Speaker, Senate Bill No. ____ does qualify to be made a duplicate of House Bill No. _____. Conforming amendments will be necessary.”

Speaker: “Representative _____ has offered a motion that Senate Bill No. ____ be amended to conform to House Bill No. _____, and to declare it a duplicate of House Bill No. _____. Is there any objection? Without objection, so ordered. Representative _____ now moves that Senate Bill No. _____, just declared a duplicate of House Bill No. _____, be referred to the Legislative Bureau. Without objection, so ordered.”

***Motions Related to Order of Business or
Order of Consideration of Instruments***

Call from the Calendar

See House Rule 8.26

Only the author, the member handling a Senate bill, or a member authorized by them may move to call a bill from the calendar and then no sooner than the next legislative day following his notice to the House that he will call it from the calendar. (Notice is not required if the bill is returned to the calendar on the last day for final passage of bills.) Instruments with notice are listed on the Order of the Day in the order of notice. Members are recognized to move to call an instrument from the calendar in that order. A 2/3 vote is required to alter the order. The motion to call from the calendar requires concurrence of a majority of the members present and voting. The motion is debatable. (*For Return to the Calendar see page 32.*)

The usual procedure is:

Member: “Mr. Speaker, I move to call ____ Bill No. ____ from the calendar.”

Speaker: “Representative _____ has moved to call ____ Bill No. ____ from the calendar. Is there objection? Without objection, ____ Bill No. ____ is called from the calendar.”

or

“There is objection. Those in favor vote yea, those opposed, nay. The Clerk will open the machine. ____ yeas; ____ nays, and the House has refused to call ____ Bill No. ____ from the calendar.”

Place in Special Order

See House Rules 8.4 through 8.6

The rules provide that a legislative instrument may be placed in Special Order for consideration on a succeeding day by a majority of those present and voting if the standing committee which reported such legislative instrument has recommended such placement. The recommendation of the committee alone is not sufficient; a separate motion to place the bill in Special Order must be offered and adopted by the House. *(Also, see page 52.)*

Any other change in the order of business as established by the rules requires approval of two-thirds of the members present and voting and suspension of the rules also requires a two-thirds vote. Placing an instrument in Special Order without a committee recommendation or without following the other requirements of House Rule 8.6 would require a suspension of the rules. The motion to suspend House Rule 8.6 is a debatable motion.

The usual procedure is:

Member: “Mr. Speaker, I offer a motion to place House Bill No. ____ in Special Order for Monday, May 25th.”

Speaker: “Representative _____ has offered a motion that House Bill No. ____ be made Special Order for Monday, May 25th. The House Committee on _____ *(name of committee)* has recommended that the bill be placed in Special Order. Is there objection? Without objection, so ordered.”

(If there is objection to the motion, a vote is taken. Approval of a majority of those present and voting is required for the motion to carry.)

Place on Local and Consent Calendar

See House Rule 8.21

The author or member authorized to handle the bill may make the motion to place it on the Local and Consent Calendar. The motion is made during Morning Hour 16 or 17, the final stage of 2nd reading. The objection of 21 members prevents such placement. A bill can also be placed on this calendar by motion adopted by the committee that reports the bill. For the committee to adopt such a motion, the bill must either be advertised as required by the constitution for local bills, or it must have been unanimously reported by the committee. However, the bill will not be placed on the Local and Consent Calendar pursuant to the committee motion if the author objects when the bill is engrossed and passed to third reading.

The usual procedure is:

Member: “Mr. Speaker, I move that _____ Bill No. _____ be placed on the Local and Consent Calendar.”

Speaker: “Does any member object to _____ Bill No. _____ being placed on the Local and Consent Calendar? Representative _____ objects. Will 20 members join him? Objection of 21 members is not evident, and the bill is placed on the Local and Consent Calendar.”

or

“Twenty-one members object to placing _____ Bill No. _____ on the Local and Consent Calendar. The bill is placed on the Regular Calendar.”

Removal from Major State Calendar/Local and Consent Calendar

See House Rule 8.25

Removing a bill from either the Major State Calendar or the Local and Consent Calendar is not actually by motion. The procedure is to object to consideration of the measure on such calendar. For the Major State Calendar, such an objection must be filed with the Clerk not later than the Tuesday before the bill is heard on third reading and final passage on Wednesday. If an objecting member is joined in such objection by 20 other members, the matter of the placement is considered by the House and Governmental Affairs Committee.

In the case of the Local and Consent Calendar, the speaker inquires when the bill is taken up on such calendar if anyone objects to its being considered on the Local and Consent Calendar. If a member objects and 20 other members join in the objection, the instrument is removed from such calendar and placed on the Regular Calendar.

The usual procedure is:

Speaker: *(Example)* “Is there any objection to the consideration of _____ Bill No. _____ on the Local and Consent Calendar?”

Member: “Mr. Speaker, I object.”

Speaker: “Representative _____ objects. Will 20 members join him? The objection of 21 members is not evident and the bill will be considered.”

Proceed Out of Usual Order

See House Rule 8.6

Approval of two-thirds of the members of the House present and voting is necessary to change or postpone the order of business, the same requirement as for a rules suspension.

The usual procedure is:

Frequently Used Motions – In Debate

Speaker: “Representative _____ moves we revert to _____ (*specifies order – Morning Hour No. _____ or Regular Order No. _____*). Without objection, so ordered.”

or

Member: “Mr. Speaker, I move we take out of its regular order _____ Bill No. _____.”

Speaker: “Is there objection? There is objection. Those in favor of taking _____ Bill No. _____ out of its regular order vote yea, those opposed, nay. The Clerk will open the machine.”

Motions Used in Debate or to End Debate

Some of these motions may be used in other situations, but are most often used in debate on Third Reading and Final Passage.

Limit Debate

See House Rule 5.7

No member may speak more than 15 minutes on one occasion. The House often agrees to a shorter limit.

The usual procedure is:

Speaker: “Representative _____, why do you rise?”

Member: (*Example*) “Five minute rule.” (*Or, a member may move that some other time limit on debate be adopted.*)

Speaker: “Without objection, so ordered.”

(The effect of the “five-minute rule” is that the member offering the bill/amendment is granted 10 minutes to open and answer questions; each subsequent speaker is limited to five minutes. This “rule” is a tradition or practice of the House.)

A member may be granted additional time for debate in excess of the 15/10/5 of House rules and practice. The request for additional time is a motion to suspend the rules, requiring a two-thirds vote of the members present to be adopted.

The usual procedure is:

Speaker: “Do you wish to grant Representative _____, additional time?”

Member: “Two minutes, Mr. Speaker.”

Speaker: “Without objection, so ordered.”

Amend

See House Rules 11.1 through 11.5.

Any member may submit proposed floor amendments to any instrument on Third Reading and Final Passage by filing a copy of the proposed amendments with the Clerk.

The usual procedure is:

Speaker: “Next set of amendments. Representative _____ sends up amendments. Representative _____, explain your amendment.”

Member: *(Author of amendment explains amendment, answers questions, and members debate amendment. Author of amendment moves adoption of the amendment.)* “I move adoption of my amendment.”

Speaker: “Is there any objection to the adoption of the amendments? Representative _____ has offered amendments to which objection has been heard. When the machine is opened, all those in favor of adoption of the amendments will vote yea, those opposed will vote nay. The Clerk will open the machine. _____ yeas, _____ nays, and the amendment is adopted (or rejected).”

Note: The House may consider only one set of proposed amendments at a time. Thus, amendments may not be amended. However, a subsequent amendment may remove an earlier amendment and propose different language. (*See House Rule 11.2*)

Previous Question

See House Rule 9.10

This motion is used to close debate on the motion pending and no other.

The usual procedure is:

Member: “Mr. Speaker, I move the previous question.”

Speaker: “Representative _____ has moved the previous question. Those in favor of the previous question vote yea, those opposed, nay. The Clerk will open the machine. _____ yeas, _____ nays, and the previous question is ordered. Representative _____ is recognized to close the debate.”

End Consideration of Amendments

See House Rule 9.13

The motion is not in order when another member has the floor, is not debatable, and requires approval of a majority present and voting for adoption.

If adopted, no further amendments except the amendment pending at the time (and technical amendments) may be adopted. (Adoption of this motion precludes offering additional non-technical amendments. If an amendment is under debate and the motion is adopted, debate continues on that amendment.) In normal practice, the motion for the previous question on the entire subject matter is made as a precursor to a substitute motion to end consideration of amendments. This practice has developed because without this previous motion, the motion for the previous question on the entire subject matter is subject to a substitute motion for the previous question (limited to the motion under debate only). Thus, an attempt to cut off debate may require the stacking of these motions.

The usual procedure is:

Member: “I move to end consideration of amendments on this measure.”

Speaker: “Representative _____ has offered a motion to end consideration of amendments. Mr. Clerk, are there amendments pending at the desk?”

Clerk: *(Advises the House of the amendment pending at the desk.)*

Speaker: Is there objection to the motion to end consideration of amendments? There is objection. Those in favor vote yea, those opposed, nay. The Clerk will open the machine. ____ yeas, ____ nays, and the motion is adopted. The House will now consider the amendment.”

Previous Question on the Entire Subject Matter

See House Rule 9.10

The usual procedure is:

Member: “Mr. Speaker, I move the previous question on the entire subject matter.”

Speaker: “Representative _____ has moved the previous question on the entire subject matter. Mr. Clerk, are there amendments pending at the desk?”

Clerk: *(Advises the House of the amendments pending at the desk.)*

Speaker: “Those in favor of the previous question on the entire subject matter vote yea, those opposed, nay. The Clerk will open the machine. _____ yeas, _____ nays, and the previous question on the entire subject matter is ordered. Representative _____ is recognized to close.”

alternative

Member: *(Another member may offer a substitute motion.)* “Mr. Speaker, I offer as a substitute the previous question on the amendment only.”

Speaker: “Representative _____ has moved the previous question on the entire subject matter, to which motion Representative _____ has offered a substitute motion for the previous question on the amendment only. There is an objection; therefore, the vote will occur on the substitute motion. All those in favor of the previous question on the amendment will vote yea, those opposed, nay. The Clerk will open

the machine. Are you through voting? The Clerk will close the machine. ____ yeas, ____ nays, and the previous question on the amendment is ordered.”

or

“ ____ yeas, ____ nays, and the motion has failed. The vote will now occur on the original motion, the previous question on the entire subject matter. All those in favor of the previous question on the entire subject matter will vote yea, those opposed, nay. The Clerk will open the machine. Are you through voting? The Clerk will close the machine. ____ yeas, ____ nays, and the previous question on the entire subject matter is ordered.”

Postpone Indefinitely

See House Rule 9.14(A)(12)

Used to kill a bill. Usually used when a Senate Bill is reported unfavorably (the report is rare), but can also be used on Third Reading and Final Passage. Requires favorable vote of a majority of those present to adopt.

The usual procedure is:

Member: “Mr. Speaker, I move that Senate Bill No. _____ be indefinitely postponed.”

Speaker: “Representative _____ has offered a motion that Senate Bill No. _____ be indefinitely postponed. Those in favor vote yea, those opposed, nay. The Clerk will open the machine.”

Table or Lay on the Table

See House Rules 9.8 and 9.14(A)(11)

The usual procedure is:

Member: “Mr. Speaker, I move to table the bill (or amendment).”

Speaker: “Representative _____ has offered a motion that _____ Bill No. _____ be tabled. Is there objection? Those in favor vote yea, those opposed, nay. The Clerk will open the machine.”

Call from the Table

See House Rules 9.9 and 9.14(A)(5)

The motion requires the favorable vote of two-thirds of the members present and voting for adoption. The motion is debatable only if the motion to be called is debatable.

The usual procedure is:

Member: *(Example – Can be used relative to any motion that has been tabled.)* “Mr. Speaker, I move to call from the table _____ Bill No. _____.”

Speaker: “Representative _____ has offered a motion to call _____ Bill No. _____ from the table. Those in favor vote yea, those opposed, nay. The Clerk will open the machine.”

Return to the Calendar

See House Rule 8.26

This motion returns the measure to the same order of business for possible later consideration. In practice, if the author or member handling the bill moves to return his or her bill to the calendar, the Chair recognizes no objections, thus allowing the author to place the bill in limbo without interference. If a vote

is taken, a majority of those present and voting is required to return a bill to a calendar. (*For Call from the Calendar see page 22*).

The usual procedure is:

Member: “Mr. Speaker, I move to return the bill to the calendar.”

Speaker: “Representative _____ has moved to return the bill to the calendar. Is there objection? There is objection. Those in favor of returning the bill to the calendar vote yea, those opposed, nay. The Clerk will open the machine. ____ yeas, ____ nays, and the bill is returned to the calendar. Next bill.”

or

“____ yeas, ____ nays, and the House has refused to return the bill to the calendar. Representative _____ for the floor on the bill.”

Motions Related to Voting

Record Vote

See House Rules 10.9 and 4.5

The constitution requires that the vote on final passage of a bill must be a record vote and that a record vote shall be taken on any matter upon request of one-fifth (21) of the elected members. (*Const. Art. III, §15(G)*)

The usual procedure is:

Member: “Mr. Speaker, I request a record vote on final consideration of the resolution.”

Speaker: “Representative _____ has requested a record vote. Will 20 members join him? (*Clerk opens the machine to record members wishing to join*)

in request for record vote.) A record vote is evident.”

Lockout

See House Rule 4.5

No other member (or other person) may cast a vote for a member who is not in the Chamber. (See House Rule 10.3.) “Lockout” refers to the procedure of a quorum call prior to a record vote and the locking of the voting machines of all absent members before the record vote is taken. The Clerk locks the voting machines of all members who fail to respond to the quorum call. After a lockout is ordered, all votes are record votes until the matter is disposed of.

The usual procedure is:

Member: “Mr. Speaker, I request a lockout.”

Speaker: “A lockout has been called for. Will 20 members join in the request for a lockout? A lockout is ordered. Quorum call. The Clerk will open the machine for roll call. Are you through voting? The Clerk will close the machine.”

Reconsider *and* Table the Motion to Reconsider

See House Rule 9.11

See discussion of Order of Business “Morning Hour No. 19: Reconsideration” on page 51, and also see “Regular Orders Nos. 5 and 6” on page 56.

The usual procedure is:

Giving Notice to Reconsider

Speaker: *(Announcing vote on final passage of a bill that failed to be adopted though it received more yeas than nays)* “Does the member desire to give notice of reconsideration?”

Member: *(Author indicates assent)* “The member does desire to give notice of reconsideration. Before the notice was given, the vote was ____ yeas, ____ nays, and the bill failed to pass.”

Tabling the Motion to Reconsider

This motion is referred to as “the clincher.” The purpose of the motion is to prevent further reconsideration. Whenever a bill passes, the Speaker states that the member “moves to reconsider the vote and lay that motion on the table”, thus “clinching” final passage. Tabling a motion to reconsider a bill which received a plurality vote, but not a majority vote, effectively kills the bill. Calling the motion to reconsider from the table would require a two-thirds vote of the members present. Once a motion has been reconsidered, it may not be reconsidered again without suspending the rules.

Member: *(Must be member who voted on prevailing side – side that received plurality of vote)* “Mr. Speaker, I move that the vote by which the amendment (or bill) was adopted (or finally passed) be reconsidered.”

Other

Member: “I move that the motion be tabled.”

Speaker: “Representative ____ moves that the vote by which the amendment to ____ Bill No. ____ was adopted be reconsidered. Representative ____ moves that the motion be tabled, to which Representative ____ (author) objects. The vote will occur on the motion to table the motion to reconsider. Those in favor of tabling the motion to reconsider will vote yea, those opposed, nay. The Clerk will open the machine.”

Change of Member's Vote

See House Rule 10.8

A member may change his vote before the Speaker announces the vote. In practice, a member may tell the Clerk that he wishes the Journal to record him as voting differently. As long as the result of the vote will not be changed, the House generally permits such changes. Once a vote has been printed (release through the computer system is tantamount to printing), a vote may be changed only by rules suspension.

The usual procedure is:

Clerk: “Mr. Speaker, Representative _____ wishes to have his/her vote properly recorded on the vote to finally pass House Bill No. _____ as being in favor of that motion. It will not change the outcome.”

Speaker: “Without objection, so ordered.”

MORNING HOUR

See House Rules 8.1, 8.7 through 8.14 generally

Morning Hour refers to the orders of business in which the House primarily attends to housekeeping matters and advances instruments in the legislative process. These orders of business are:

- (1) Roll Call
- (2) Prayer
- (3) Pledge of Allegiance
- (4) Reading of the Journal
- (5) Petitions, Memorials, and Communications
- (6) Introduction of Resolutions
- (7) Introduction of Bills
- (8) Senate Bills on First Reading
- (9) Reports of Committees
- (10) House and House Concurrent Resolutions Lying Over
- (11) Senate Concurrent Resolutions Lying Over
- (12) House Bills on Second Reading to be Referred to Committee
- (13) Senate Bills on Second Reading to be Referred to Committee
- (14) House and House Concurrent Resolutions Reported by Committee
- (15) Senate Concurrent Resolutions Reported by Committee
- (16) House Bills on Second Reading Reported by Committee
- (17) Senate Instruments on Second Reading Returned from the Legislative Bureau
- (18) Senate Bills on Second Reading Reported by Committee
- (19) Reconsideration
- (20) Special Order
- (21) Reconsideration of Vetoed Bills

Morning Hour No. 1 ~ Roll Call

The usual procedure is:

Speaker: “The House will come to order. The Clerk will open the machine for roll call. Members vote your machines. Are you through voting? The Clerk will close the machine. ____ members present and a quorum.”

Members indicate their presence by voting their machines. A quorum (a majority of the elected members or 53 members) must be present for the House to transact business.

Leaves of Absence

(See House Rules 4.1 through 4.6 relative to attendance and quorum)

The usual procedure is:

Speaker: “For what purpose does the member rise?”
(Speaker must recognize member who wishes to speak before the member’s microphone will be turned on.)

Member: “Mr. Speaker, I request a leave of absence of one day for Representative _____.”

Speaker: “The Journal will so reflect.”

The request for leave is made for an absent colleague. It can be made *at any point* during the floor proceedings when another member does not have the floor. The journal lists leaves of absence for the day at the end of the proceedings for that day.

Morning Hour No. 2 ~ Prayer

The usual procedure is:

Speaker: “The House will be opened with a prayer by _____ of the _____ church. Please rise.”

Members rise and bow their heads for the prayer.

Morning Hour No. 3 ~ Pledge of Allegiance

The usual procedure is:

Speaker: “Representative _____ will lead the House in reciting the Pledge of Allegiance.”

Any member may be called to do this. The member called leads the pledge from his own seat. All members and guests recite the pledge of allegiance.

Morning Hour No. 4 ~ Reading of the Journal

See House Rules 12.1 through 12.5, particularly House Rule 12.5

The usual procedure is:

Speaker: “Morning Hour No. 4 – Reading of the Journal.”

Clerk: “Baton Rouge, Louisiana*(continues to read from the journal)*”

Speaker: “Rep. _____ moves to dispense with the reading of the journal. *(Speaker selects the name of a member to make this motion.)* Without objection, so ordered. The same member moves to adopt the journal, without objection, so ordered.”

A member may ask that the journal of the previous day be corrected. He should consult with the Clerk in advance so that the Clerk may advise the Speaker that the member wishes to do so and the journal will be corrected prior to its adoption, unless the House denies the member's request.

Morning Hour No. 5 ~ Petitions, Memorials, and Communications

The usual procedure is:

Speaker: "Petitions, memorials, and communications."

Clerk: *(Clerk reads, in full or in part, any petitions, resolutions, or other communications sent to the House – such as those from other legislatures. Often there is no need to go to this order of business.)*

Morning Hour No. 6 ~ Introduction of Resolutions

The Clerk reads the resolutions by title; no further action is taken on the resolution that day.

For the House to refer a resolution just introduced to committee or to consider the adoption of the resolution upon introduction, a suspension of the rules is necessary. Since this order of business is generally handled very quickly, the member usually makes the presiding officer (or the Clerk) aware in advance that he wishes to make such a motion. Then, though the member does not actually make the motion, the Clerk and Speaker state that the member has made the motion. Of course, the member may rise and actually make the motion when he is recognized by the Speaker.

The usual procedure is:

If the member wishes to refer the resolution to committee at this time:

Clerk: “Mr. Speaker, Representative _____ moves the rules be suspended for the purpose of referring the resolution to committee at this time.”

Speaker: “Representative _____ moves for a suspension of the rules to refer the resolution at this time. Is there any objection? Without objection, so ordered. Under the rules, referred to the Committee on _____.”

If the member wishes to consider the adoption of the resolution at this time:

Clerk: “Mr. Speaker, Representative _____ moves the rules be suspended for the purpose of considering the adoption of the resolution at this time.”

Speaker: “Representative _____ moves for a suspension of the rules for the purpose of considering the adoption of the resolution at this time. Is there any objection? Without objection, the resolution stands adopted.”

Morning Hour No. 7 ~ Introduction of Bills

The Clerk reads the bills by title and each is given a number and no further action is taken that day. (This is first reading.)

A member may move for a suspension of the rules for the purpose of referring one, some, or all of the bills introduced.

The usual procedure is:

Member: “Mr. Speaker, I move that the rules be suspended for the purpose of referring House Bill No. _____ to committee at this time.”

Speaker: “Representative _____ moves for a suspension of the rules for the purpose of referring House

Bill No. ____ to committee at this time. Without objection, so ordered. Under the rules, referred to Committee on ____.”

Morning Hour No. 8 ~ Senate Bills on First Reading

The same procedure applies as for introduction of House bills. However, in practice, upon receipt and reading of the Senate Message informing the House that the Senate has passed the listed bills, the rules are suspended and the bills are read for the first time by title. Thus, this order of business is seldom used. The bills are then referred the next day, without the necessity to suspend the rules.

Morning Hour No. 9 ~ Reports of Committees

The Clerk merely reads the committee reports and no further action is taken. Rarely, the rules may be suspended to consider one or more of the instruments contained in one or more of the reports just read.

Morning Hour No. 10 ~ House and House Concurrent Resolutions Lying Over

and

Morning Hour No. 11 ~ Senate Concurrent Resolutions Lying Over

The usual procedure is:

Clerk: *[Reads the resolution]*

Speaker: “Under the rules, referred to the Committee on
 (A) ____.”

If a member objects to the referral by the Chair and wishes to move that the resolution be referred to another committee:

Member: “Mr. Speaker, I object and move that the resolution be referred to the Committee on (B).”

Speaker: “Rep. _____ objects to the referral of House [Concurrent] Resolution No. ____ to the Committee on (A) and moves that the resolution be otherwise referred to the Committee on (B). To which motion there is objection. Therefore, when the machine is open, as many of you as are in favor of referring the resolution to the Committee on (B) vote yea, those opposed, nay. The Clerk will open the machine.”

If motion carries:

Speaker: “____ yeas, ____ nays, and the resolution is referred to the Committee on (B).”

(A majority of those present and voting is required to adopt this motion. See House Rule 6.5(A))

If motion fails:

Speaker: “____ yeas, ____ nays, and the House has refused to refer the resolution to the Committee on (B). Therefore, under the rules, the resolution is referred to the Committee on (A).”

A member may ask for a suspension of the rules to consider the adoption of a resolution in this order, rather than following the rules and referring it to committee. This is usually done for noncontroversial matters; i.e., resolutions to commend or to express condolences. A member may request the reading of such a resolution in full, particularly if the person(s) being commended are present in the Chamber. *(See discussion and example of this under “Morning Hour No. 6 Introduction of Resolutions” on page 40.)*

**Morning Hour No. 12 ~ House Bills on Second Reading to
be referred to Committee**

and

**Morning Hour No. 13 ~ Senate Bills on Second Reading to
be referred to Committee**

The usual procedure is:

Same as for House and House Concurrent Resolutions Lying Over as described above, EXCEPT that it is not possible to suspend the rules to consider final passage of a bill since three readings on three separate days and a committee hearing are required. (*See Const. Art. III, §15(D)*)

**Morning Hour No. 14 ~ House and House Concurrent
Resolutions Reported By Committee**

The Clerk reads the resolutions by title together with the committee's recommendations. After each, the Speaker moves them on to their next order by saying the following:

The usual procedure is:

If reported favorably:

Speaker: "Rep. _____ (*Committee Chair*) moves the resolution be engrossed and passed to its third reading. Without objection, so ordered."

If reported with amendments:

Speaker: "Rep. _____ (*Committee Chair*) moves to adopt the amendments, and moves the resolution be ordered engrossed and passed to its third reading. Without objection, so ordered."

If reported with amendments with recommendation to be recommitted:

Speaker: “Rep. ____ (Committee Chair) moves to adopt the amendments and moves the resolution be ordered engrossed and be recommitted to the Committee on _____. Without objection, so ordered.”

If reported favorably or without action with recommendation to be recommitted:

Speaker: “Rep. _____ (Committee Chair) moves the resolution be recommitted to the Committee on _____. Without objection, so ordered.”

If reported unfavorably:

(Vote occurs only if there is an objection.)

Speaker: “Rep. _____ (Committee Chair) moves the resolution be withdrawn from the files of the House. Without objection, so ordered.”

or

“There is objection. When the Clerk opens the machine, as many of you as are in favor of withdrawing the resolution from the files will vote yea, all opposed vote nay. The Clerk will open the machine. The Clerk will close the machine. ____ yeas, ____ nays, and the resolution is withdrawn from the files of the House.”

Morning Hour No. 15 ~ Senate Concurrent Resolutions Reported by Committee

The Clerk reads the resolutions by title together with the Committee’s recommendations. After each, the Speaker moves them on to their next order by saying the following:

The usual procedure is:

If reported favorably:

Speaker: “Rep. _____ (*Committee Chair*) moves the resolution be passed to its third reading. Without objection, so ordered.”

If reported with amendments:

Speaker: “Rep. _____ (*Committee Chair*) moves to adopt the amendment and moves the resolution be passed to its third reading. Without objection, so ordered.”

If reported with amendments with recommendation to be recommitted:

Speaker: “Rep. _____ (*Committee Chair*) moves to adopt the amendments and moves the resolution be recommitted to the Committee on _____. Without objection, so ordered.”

If reported favorably or without action with recommendation to be recommitted:

Speaker: “Rep. _____ (*Committee Chair*) moves the resolution be recommitted to the Committee on _____. Without objection, so ordered.”

If reported unfavorably or without action:

(Vote occurs only if there is an objection.)

Speaker: “Rep. _____ (*Committee Chair*) moves the resolution be indefinitely postponed. Is there any objection? Without objection, so ordered.”

or

“There is objection. When the Clerk opens the machine, as many of you as are in favor of

indefinitely postponing this resolution will vote yea, all opposed vote nay. The Clerk will open the machine. The Clerk will close the machine. _____ yeas, _____ nays, and the resolution is indefinitely postponed.”

**Morning Hour No. 16 ~ House Bills on Second Reading
Reported by Committee**

The Clerk reads the bill by title with the recommendation of the committee.

The usual procedure is:

If reported favorably:

Speaker: “Rep. _____ (*Committee Chair*) moves the bill be ordered engrossed and passed to its third reading. Without objection, so ordered.”

Clerk: “Placed on the _____ Calendar.”

If reported with amendments:

Speaker: “Rep. _____ (*Committee Chair*) moves to adopt the amendments and moves the bill be ordered engrossed and passed to its third reading. Without objection, so ordered.”

Clerk: “Placed on the _____ Calendar.”

If reported with amendments with recommendation to be recommitted:

Speaker: “Rep. _____ (*Committee Chair*) moves to adopt the amendments and moves the bill be engrossed and recommitted to the Committee on _____. Without objection, so ordered.”

If reported favorably or without action with recommendation to be recommitted:

Speaker: “Rep. _____ (*Committee Chair*) moves the bill be recommitted to the Committee on _____. Without objection, so ordered.

If reported unfavorably:

(Vote occurs only if there is an objection.)

Speaker: “Rep. _____ (*Committee Chair*) moves the bill be withdrawn from the files of the House. Without objection, so ordered.”

or

“Rep. _____ objects and offers a substitute motion that the bill be engrossed and passed to its third reading. Is there objection to the substitute motion? There is objection. When the Clerk opens the machine, as many of you as are in favor of the substitute motion to engross the bill and pass it to third reading will vote yea, all opposed vote nay. The Clerk will open the machine. The Clerk will close the machine. ____ yeas, ____ nays, and the bill is ordered engrossed and passed to its third reading.”

If reported by substitute:

Speaker: “Rep. _____ (*Committee Chair*) moves to adopt the title of the substitute. The Clerk will read the substitute title.”

Clerk: [Reads title]

Speaker: “Lies over under the rules, in this order of business.”

Substitute bills on second reading:

Speaker: “Rep. _____ (*Committee Chair*) moves the bill be ordered engrossed and passed to its third reading. Without objection, so ordered.”

Clerk: “Placed on the _____ Calendar.”

Morning Hour No. 17 ~ Senate Instruments on Second Reading Returned from the Legislative Bureau

The Clerk reads the instrument by title along with the Committee recommendations and the Bureau recommendations.

The usual procedure is:

If reported favorably and without amendments from the Bureau:

Speaker: “Rep. _____ (*Committee Chair*) moves the bill be passed to its third reading. Without objection, so ordered.”

Clerk: “Placed on the _____ Calendar.”

If reported with Committee and/or Bureau amendments:

Speaker: “Rep. _____ (*Committee Chair*) moves to adopt the amendments and moves to pass the bill to its third reading. Without objection, so ordered.”

Clerk: “Placed on the _____ Calendar.”

**Morning Hour No. 18 ~ Senate Bills on Second Reading
Reported by Committee**

Only Senate bills reported unfavorably, with recommendation to be recommitted, or joint resolutions (proposed constitutional amendment) will appear in this Order of Business; Senate bills (not joint resolutions) reported favorably or with amendments by committee are automatically referred to the Legislative Bureau. When reported by the Legislative Bureau, Committee and Legislative Bureau amendments, if any, are adopted and the bills are passed to third reading (or other action taken) in Morning Hour No. 17.

The usual procedure is:

If reported favorably (joint resolutions only):

Speaker: “Rep. ____ (*Committee Chair*) moves to refer the bill to the Committee on Civil Law and Procedure.”

If reported with amendments (joint resolutions only):

Speaker: “Rep. ____ (*Committee Chair*) moves to adopt the amendments and refer the bill to the Committee on Civil Law and Procedure.”

If reported unfavorably:

Speaker: “Rep. ____ (*Committee Chair*) moves the bill be indefinitely postponed. As many of you are in favor of indefinitely postponing the bill vote yea, those opposed vote nay. The Clerk will open the machine. Are you through voting? The Clerk will close the machine. ____ yeas, ____ nays, and the bill is indefinitely postponed.”

If reported favorably or without action with recommendation that it be recommitted to _____ Committee:

Speaker: “Rep. _____ (Committee Chair) moves the bill be recommitted to the Committee on _____. Without objection, so ordered.”

If reported with amendments with recommendation that it be recommitted to _____ Committee:

Speaker: “Rep. _____ (Committee Chair) moves the amendments be adopted and the bill be recommitted to the Committee on _____. Without objection, so ordered.”

Morning Hour No. 19 ~ Reconsideration

See House Rule 9.11

The Clerk reads the bill or resolution (or other motion) and the vote by which it failed to pass. (The motion to reconsider the vote would have been made and not have been tabled, and notice would have been given on the previous legislative day that the member would insist on the motion to reconsider.) It is also possible to reconsider a vote by which an instrument or motion passed, though that is uncommon. Only a member voting on the side which received the plurality of the vote may make the motion to reconsider. (*Also see discussion on pages 34 and 35, and see “Regular Order No. 6 on page 56.”*)

The usual procedure is:

Clerk: “Rep. _____ moves to reconsider the vote by which _____ failed to pass on yesterday.”

Speaker: “Without objection, so ordered. Returned to the Calendar under the Rules.”

A motion to table the motion is also in order at this time, to kill the bill.

Member: “I move that the motion to reconsider be tabled.”

If the motion to reconsider is adopted, the instrument is returned to the calendar in the appropriate order, usually final passage. A motion to suspend the rules for the purpose of considering the instrument at this time must be adopted in order to vote on the instrument in this order of business.

Morning Hour No. 20 ~ Special Order

See House Rules 8.4 through 8.6

Instruments placed in Special Order are considered on final passage in this order of business. If not acted upon in this order of business, any such instrument is returned to the calendar in the order to which it was otherwise last advanced. *(Also see page 23.)*

Morning Hour No. 21 ~ Reconsideration of Vetoed Bills

See House Rule 8.28

In this order, the Clerk reads the title of bills vetoed by the governor for which the veto message has been read (on a prior legislative day, except on the last calendar or legislative day of a session or under a suspension of the rules when reconsideration of vetoed bills may occur on the same day the message is received). A motion to sustain the governor’s veto or to pass subsequent to the governor’s veto is a debatable motion. The usual procedure is for the Speaker to recognize the governor’s floor leader who, after debate, will close on a motion to sustain the governor’s veto. Of course, it is possible for the author or another member to offer a substitute motion “to pass subsequent to the governor’s veto.”

The usual procedure is:

Speaker: “As many of you as are in favor of sustaining the veto of the governor will vote yea, those opposed vote nay. The Clerk will open the machine. Are you finished voting? The Clerk will close the machine. ____ yeas, ____ nays, and the veto of the governor is sustained.

or

Speaker: “As many of you as are in favor of passing ____ Bill No. ____ subsequent to the veto of the governor will vote yea, those opposed vote nay. The Clerk will open the machine. Are you finished voting? The Clerk will close the machine. ____ yeas, ____ nays, and the veto of the governor is sustained. *(A vetoed bill must be subsequently approved by two-thirds of the elected members of each house to become law. [Const. Art. III, §18(C)])*

REGULAR ORDER OF THE DAY

See House Rules 8.2, 8.3, 8.6, 8.8, 8.9, 8.10, 8.16 through 8.20, 8.23, 8.24, and 8.27.

In general the orders of business included in the Regular Order of the Day are those in which final disposition of instruments takes place. Most debate on final passage occurs in these orders. The orders of business in the Regular Order are:

- (1) House and House Concurrent Resolutions on Third Reading for Final Consideration
- (2) Senate Concurrent Resolutions on Third Reading for Final Consideration
- (3) House Concurrent Resolutions Returned from the Senate with Amendments
- (4) House Bills Amended by the Senate to be Concurred in by the House
- (5) House Bills on Third Reading and Final Passage
- (6) Senate Bills on Third Reading and Final Passage
- (7) Conference Committee Reports for Consideration

Regular Order No. 1 ~ House and House Concurrent Resolutions on Third Reading for Final Consideration

and

Regular Order No. 2 ~ Senate Concurrent Resolutions on Third Reading for Final Consideration

The Clerk reads the title of the resolution. The author explains the measure and it is debated.

The usual procedure is:

Speaker: “Are you ready for the question? The previous question is ordered.”

(The author closes. A vote occurs only if there is objection, if the resolution has the effect of law, or if the resolution is a significant expression of legislative intent.)

Speaker: “Representative _____ has moved final adoption of House Resolution No. ____ (or House Concurrent Resolution No. ____ or Senate Concurrent Resolution No. ____). As many of you as are in favor of the final adoption of the resolution vote yea, those opposed vote nay. The Clerk will open the machine. Are you through voting? The Clerk will close the machine. ____ yeas, ____ nays, and the resolution has been adopted (or rejected).”

**Regular Order No. 3 ~ House Concurrent Resolutions
Returned from the Senate with Amendments**

and

**Regular Order No. 4 ~ House Bills Amended by the Senate
to be Concurred in by the House**

All Senate amendments on an instrument are adopted or rejected; there is no procedure for adopting some and rejecting some. The constitution (*Art. III, §15*) requires a record vote on concurrence in amendments to Bills (though not to resolutions – except those having the effect of law). If the amendments are rejected, a conference committee is appointed on the instrument.

The usual procedure is:

Clerk: *(Reads the title of the resolution or bill with the type of amendments proposed by the Senate.)*

(Author begins and closes debate.)

Speaker: “As many of you as are in favor of concurring in the Senate amendments will vote yes, those opposed, no. The Clerk will open the machine. Are you through voting? The Clerk will close the machine. ____ yeas, ____ nays, and the amendments stand concurred in (or rejected).”

Regular Order No. 5 ~ House Bills on Third Reading and Final Passage

and

Regular Order No. 6 ~ Senate Bills on Third Reading and Final Passage

The Clerk reads the title. The author explains the measure and it is debated.

The usual procedure is:

Speaker: “Representative _____ (*author or member handling bill*) has moved final passage of the bill. When the machine is opened, all those in favor of the final passage will vote yea, those opposed vote nay. The Clerk will open the machine. Are you through voting? The Clerk will close the machine. ____ yeas, ____ nays, and the bill has finally passed. Representative _____ moves to reconsider the vote by which the bill finally passed and lay that motion on the table. Without objection, so ordered.”

(If the bill failed to pass, but received more yeas than nays)

Speaker: “Does the member desire to give notice of reconsideration? (*Only the author who certainly voted on the prevailing side – yeas in this case – can move to reconsider*) The member does desire to give notice of reconsideration.

Before the notice was given, the vote was ____ yeas and ____ nays, and the bill failed to pass. Lies over.”

(If the bill failed to pass and received fewer yeas than nays)

Speaker: “____ yeas, ____ nays, and the bill has failed to pass. Representative _____ moves to reconsider the vote by which the bill failed to pass and lay that motion on the table. Without objection, so ordered.”

(For more on reconsideration, see page 34, and “Morning Hour No. 19 on page 51.)

Regular Order No. 7 ~ Conference Committee Reports for Consideration

See House Rules 8.27, 7.11, 8.15, and 8.2(A)(7)

When a conference committee report is received, the Clerk gives notice of receipt of the report as soon as he can without interrupting business. It lies over until Regular Order No. 7 the next day. During the last two days of the session, a conference committee report may be considered upon adoption of a motion by any member. The motion can be made at any time unless another motion or instrument is then pending.

The usual procedure is:

Clerk: *(Reads the conference committee report.)*

(Author is recognized to begin debate. Author closes.)

Speaker: “Representative _____ moves the adoption of the conference committee report. As many of you as favor the adoption of the report will vote yea, those opposed vote nay. The Clerk will open the machine. Are you through voting?”

The Clerk will close the machine. _____ yeas,
_____ nays, and the conference committee report
is adopted (or rejected). (*This is a record vote.*)

It has been established that the right of reconsideration exists with respect to a conference committee report which receives insufficient votes for adoption. However, the Senate traditionally does not reconsider the vote on a conference committee report. It is possible to recommit a bill to a conference committee, but only if both houses agree to recommit. Recommittal by only one house effectively kills the bill.

COMMITTEE OF THE WHOLE

See House Rules 6.18 through 6.25 and 8.15

The Committee of the Whole is the entire membership of the House of Representatives acting in the capacity of committee to consider the General Appropriation Bill or other matters. A member named by the Speaker serves as chairman. Debate on the General Appropriation Bill proceeds *seriatim*, that is, clause by clause or item by item, in the order of the bill.

The Committee of the Whole permits less formal discussion of any question that the entire House could consider acting under its ordinary rules of procedure, and it also allows the House to hear testimony from persons who are not members of the House.

The usual procedure is:

Member: “Mr. Speaker, I move that the House do now resolve itself into the Committee of the Whole for the purpose of considering (*subject*).”

Speaker: “Representative _____ (*names Chairman*).”

Amendments in Committee

The usual procedure is:

Chairman: “Representative _____ sends up amendments. The Clerk will read the amendments. Is there any discussion on the amendments? Is there any objection to the amendments? Hearing none, the amendments stand adopted. Are there any further amendments?”

Rising of Committee

The usual procedure is:

Member: “Mr. Chairman, I move that the Committee of the Whole do now rise.”

Chairman: “Representative _____ moves that the committee rise and report progress. Without objection, so ordered.” (*A committee report is optional.*)

Speaker: “The House, as a committee of the whole House, has reported House Bill No. _____ with amendments. What is the pleasure of the House? Representative _____ moves to adopt the committee amendments. Without objection, so ordered. The same member moves the House take up on final passage House Bill No. _____. Representative _____ (*author of the bill*).” (*It is not necessary to adopt any report which might be made.*)

If there are no amendments, or if the amendments are rejected:

Chairman: “Representative _____ moves that the committee rise and report progress. Without objection, so ordered.”

Committee report is optional. A report is unnecessary and should be avoided unless used in lieu of a standing committee report when a bill has been recalled from a committee and has not been recommitted to a standing committee. (*See Discharge a Committee on page 17.*)

If a report is made by the Committee of the Whole during Third Reading and Final Passage, it is unnecessary for the

House to adopt it. (Any amendments, however, must be adopted.) If a report is made by the Committee of the Whole functioning in lieu of a standing committee during second reading, it will be necessary for the Committee to report as would a standing committee. The report would be treated like any other committee report (i.e., engross and pass to third reading, if favorable).

